the resolution as he wanted. But he did not think it necessary. In these circumstances I am constrained to ask for a verdict of this House in this matter. I therefore press the resolution to a division.

Resolution put and negatived.

Mr. K. M. Ibrahim:—A poll, Sir.

The House divided—Ayes 10, Noes 16 and Neutrals 4.

Ayes.

1. Mr. K. M. Ibrahim.	6. Mr. Paul Mampilli.
2. Mr. E. Ikkanda Warriar.	7. Mr. T. A. Ramachandra Ayyar.
3. Mr. P. Krishna Menon.	8. Mr. P. Raman Menon.
4. Mr. T. K. Nayar.	9. Dr. A. R. Menon.
5. Mr. K. T. Mathew.	10. Dr. K. Sankara Menon.

Noes.

1. Mr. K. Achyuta Menon.	9. Mr. P. Nilakanta Menon.
2. Mr. V. K. Aravindaksha Menon.	10. Rama Varmha Tampuran.
3. Mr. M. A. Chakko.	11. Mr. M. K. Raman.
4. Mr. M. P. Cherian.	12. Mr. P. V. Raphael.
5. Mr. M. Krishna Menon.	13. Mr. A. Sankara Menon.
6. Mr. P. Kumaran Ezhuthassan.	14. Mr. P. V. Subramania Ayyar.
7. Mr. C. J. Mathew.	15. Mrs. Josephine Swaris.
8. Mr. I. N. Menon.	16. Mr. Thomas Manjuran.

Neutrals.

1. Mr. K. Ayyappan.	3. Mr. S. S. Koder.
2. Mr. A. Eachara Menon.	4. Mr. K. P. Vallon.

No. 3. Toll-gates on Roads constructed by Panchayats.

Mr. P. Krishna Menon:—Sir, I move the following resolution standing in my name:—"*This Council recommends to the Government that no toll-gates should be established on roads constructed by Panchayats as such levies are not conducive to the free surrender of lands for construction of roads.*" I beg to submit that the resolution is self-explanatory as I have assigned the reason also for the motion I have brought.

In this connection I may at once bring to the notice of the House that the law which regulate the fixing of toll-gates is as vague as possible and it gives the power to the Dewan to establish toll-gates wherever he thinks it desirable. As to the conditions which might influence the decision of the Diwan there is nothing said in the Regulation. All that section 3 of the Regulation says is that he has the power to fix toll-gates wherever he finds it necessary. As a matter of principle I beg to submit that though it is a prerogative of

LIBRARY ARCHIVES Kerala Legislative Assembly

the Government it has to be exercised on definite principles, known at any rate, though not specifically expressed. The roads, mainly I would say, are constructed at the cost of the Government and there is nothing inequitous in the Government thinking that a fair return can be expected from the outlay that they have made in the construction of the roads. On that general principle I would beg leave to submit that it would be perfectly justifiable on the part of the Government to establish these toll-gates on trunk roads which are constructed at the cost of the Government. Now this is a general rule that might be accepted without much hesitation. The question specifically relates now to the roads that are not constructed at Government cost but mainly at the cost of the people themselves. As I have said in the resolution the Panchayat roads are constructed mainly by the panchayats and the panchayats some how or other manage to get free surrender of lands for the construction of such roads. Now if people freely surrender lands in expectation of reaping some future benefit out of the sacrifice they make and if it is found that the sacrifice made entails additional trouble they will be very very slow indeed in acceeding to the requests of the Panchayats for the surrender of lands. If I remember correctly, in answer to a question it was stated in this House—I am subject to correction—that the roads in the whole State constructed by the D. P. W. were about 700 miles in length whereas at that date the Panchayat roads run to nearly 850 miles. If I am wrong I may be corrected.

Mr. P. V. Raphael:— It is not correct. About 700 miles of Panchayat roads and the other is about 600 miles.

Mr. P. Krishna Menon:— After all the mileage of roads constructed by the Panchayats is certainly in excess of the mileage of roads constructed by the D. P. W. Coming to a definite statement it would be found in answer to Q. No. 326 of the Budget Session of 1108 that in the decade from 1098 to 1107 the Public Works Department constructed 60 miles of roads whereas the Panchayats constructed 450 miles of roads. That is a specific statement which I would like to make. That shows what energy the Panchyats had exercised in the matter of the construction of roads. If all these roads were constructed by purchase of lands through large allotments given, certainly the amount the Panchayats would have to spend is enormous. They have been able to do so much, simply because the people themselves co-operated in the construction of roads by their free surrender of lands. If toll gates are established in such roads there will be very little inducement for the people to surrender the lands free because the sacrifice they make only entails on them additional loss and trouble. Now I am sure that the Leader of the House will specifically mention a toll-gate which has recently been shifted from the place where it had been

LIBRARY ARCHIVES Kerala Legislative Assembly

originally fixed. Where it was originally fixed, in passing from one village to another a cart had to pay the toll, that is, within certain limits persons travelling in the same villages have to pay the toll. How unprofitable that toll-gate business was, I am sure the Leader of the House himself knows perfectly well. It is said that on an average the farmer had to spend Rs. 7 per month and the collection was said to be Rs. 8-4-0 on paper. So for the sake of this Re. 1-4-0 how many people were subjected to inconvenience and loss. It is not for me to go into details. If to encourage the practice of free surrender for the construction of village roads is necessary I think the best thing for the Government is to avoid all vexatious levies on such roads. If these levies are dispensed with several people will be inclined more and more to construct roads so as to facilitate such works. In the first place the income will be appreciably small whereas the vexation and inconvenience caused will be rather high. I therefore request the House to consider these matters in detail and if they find the acceptance of this resolution will be conducive to the construction of more and more of roads in the rural areas, I hope they will be one with me in supporting this resolution.

Mr. T. A. Ramachandra Ayyar:— Sir, I second it.

Mr. A. Sivarama Menon:—May I know whether all these lands have been obtained freely?

Mr. P. V. Raphael:—Not at all. I shall explain in the course of my reply.

The main question to be considered in this resolution is: What bearing there is between the free surrender of lands and the establishment of toll-gates. It is true that the Panchayat Department has opened a large number of roads all over the State in all measuring about 700 miles. Some of these are very important and lengthy ones, ranging from 4 to 7 miles. I have been at considerable pains to find out how much of these lands have been surrendered free by interested parties. I can't deny that there have been free surrenders of lands in some of these cases. There have been free surrenders of lands here and there for the construction of these roads but in many of these cases Government had to acquire lands for the purpose. In the case of those people who have surrendered lands free they have not taken into consideration the question of the toll-gate at all. In fact in none of the petitions wherein they agreed to surrender lands have they made mention of the toll-gate. Toll-gates generally trouble only the professional cartmen because it is the professional cartmen who are prejudiced by the existence of the toll-gates. The big jenmies are not at all concerned or at least they never raise the question of toll-gates in any of the places. So what I beg to submit is that the bearing

LIBRARY ARCHIVES Kerala Legislative Assembly

existing between these two points is very little. Apart from the question whether you introduce toll-gates or not, if people who are interested in these roads find that the roads are so very pressing, they gladly help the Government with small pieces of lands surrendered free. In many cases, when the people are poor and they cannot get on without these roads, we had to resort to acquisition proceedings. My submission, therefore, is that the mere existence of a toll here and there will not in any way prejudice the free surrender of lands for the construction of roads. In cases where the roads are found to be absolutely essential and Government insist that some free surrender is necessary, even now in spite of the existence of a large mileage of roads people are coming up by their free surrender of lands. The imposition of a toll here and there has only very little bearing on the free surrender of lands.

Mr. M. A. Chacko:—May I know how many tolls there are now in existence on the Panchayat roads?

Mr. P. V. Raphael:—So far as I can remember there are three or four toll-gates.

Mr. M. A. Chacko:—What is the distance of the road constructed?

Mr. P. V. Raphael:—The longest distance is about 7 miles. Toll-gates are installed generally in detour roads.

Mr. M. A. Chacko:—That is to protect the main trunk roads?

Mr. P. V. Raphael:—Yes, to protect the main trunk roads and not to jeopardise the interests of the toll-gate contractor.

Mr. M. A. Chacko:—I beg to support this motion. By the free surrender of land a gift is made by the public because of the enthusiasm about the extension of the Panchayat roads so as to have easy means of communication. The public mainly the agriculturists have need for roads to convey the produce from the lands to the markets. The Hon'ble Member for Government said that the surrender of lands is not a factor to be considered in this question at all. I am one who has surrendered a little bit of land for the extension of the Panchayat road near my estate, and I did that for the purpose of improving the road so that the produce of that estate might be conveniently carted to the market and other places. If the toll-gate is established as a source of revenue to the department I hold that people may not be induced to part with the little money which they now forego by gifting of land for the extension of these roads. I think that there will be the disinclination to part with lands, if the department is not generous for the benefit of the public. If the department is trying to tap for money to carry out the works they wish to undertake, the people in general may not come forward to help them in that exigency. But if the department is generous towards the public, they will also respond and

LIBRARY ARCHIVES Kerala Legislative Assembly

come forward to help the department. In that way there is a connection between the toll-gate and the surrender of lands. All the same I am at one with the Hon'ble Member for Government, when he says that the Government should protect their toll revenue from the trunk roads; and for that proposal persist in the establishment of toll gates on Panchayat roads, so that the Government may not be defeated by the traffic in order to avoid the toll-gates having recourse to a round about way. In any case it is better for the Government to delay the institution of toll-gates on all Panchayat roads, as the people are not accustomed to the same on Panchayat roads.

The matter brought before the House by the Hon'ble mover is that the establishment of these toll-gates will interfere with the ordinary avocations of the people, that they would be put to great inconvenience by having to pay toll when transporting their goods and crops harvested from one village to another. If such difficulties to the people are avoided there would not be any great harm in establishing toll-gates on Panchayat roads. In any case the question of tolls on Panchayat roads must be discouraged. To that extent I support the motion.

Mr. P. Krishna Menon:— May I know what the Hon'ble Member meant by saying 'by way of protection for the tolls on the trunk roads these are installed in the Panchayat roads' ? If it is so, I have not the slightest objection. It is only when going beyond that protection that I object to.

Mr. P. V. Raphael:—We have got ever so many Panchayat roads and we have not instituted tolls on all these roads. As I submitted we have instituted these tolls only very sparingly in three or four places, which form generally detour roads. To mention an example, you can avoid the toll on the Koonammoochi road if you take the Choondal road just in front of the Panchayat Office and go to Koonammoochi. To avoid this a toll has been instituted there and only in some such places are tolls now established.

Mr. P. Krishna Menon:—That location of the toll-gate opposite to the village office was done when? And before that where was the gate?

Mr. P. V. Raphael:—It was already on the Kunnamkulam road.

Mr. P. Krishna Menon:—You said that the toll-gate was in front of the Panchayat office.

Mr. P. V. Raphael:—I said that there is a road branching from the front of the panchayat office. If you take that road the toll on the Kunnamkulam road can be avoided.

Mr. P. Krishna Menon:—By the location of the toll-gate

LIBRARY ARCHIVES Kerala Legislative Assembly

where it was before the shifting, how could you say that the toll can be avoided?

Mr. K. Achyuta Menon:—Mr. President, Sir, I would like to make some matters clear. I submit the only question before the House is whether there are good grounds for according a preferential treatment for Panchayat roads in the matter of locating tolls on Panchayat roads. You may take it as the general policy of the Government that in the matter of Panchayat roads no new tolls are brought into being. But it becomes necessary to have tolls located both in the case of Panchayat roads and roads constructed out of pure Governmental costs in many cases to ensure that the tolls on the trunk roads may not suffer. The Hon'ble Member referred to one toll which was recently shifted. The question was brought to my notice and it was shifted to a point on the trunk road itself. Sometimes in fixing toll-gates on the Panchayat road an additional liability is caused to the inhabitants. I do not deny that there are some roads where that has been the result. But then these are cases where it is impossible to prevent evasion without instituting a toll on the Panchayat road. I may refer to one road on the Velur road. It has become the usual practice for carts to take that road, to avoid the payment of toll at Ottupara. We had to locate a toll either at this corner or that corner of that road. The thing had to be prevented and prevented by locating the toll either here or there. It is inevitable that some little inconvenience is caused to the people. As an abstract question it is quite unsafe to lay down that under no circumstances should a toll must be instituted on Panchayat roads. I beg to submit that is a matter where there is much scope for pointed reflection. Suppose a Panchayat road is newly constructed and that road happens to be a continuation of a road coming from the British side. There are cases like that. It is necessary for us to establish a toll somewhere on that road so that vehicular traffic may not pass into this State without paying toll. That is one contingency that the House should look into.

I do not know whether the Hon'ble Members have come to Mala. By taking a slight detour you can avoid paying toll. There is a road beyond the Irinjalakuda Hospital and by going that way you can evade the payment of toll.

Mr. Joseph Pettah:— Then why not make it a trunk road ?

Mr. K. Achyuta Menon:—It is a Panchayat road. I submit it is a distinction without a difference. You first transfer it to the P. W. D. as a trunk road and then impose a toll. All that is, I beg to submit, done only under exceptional circumstances. The question is whether Hon'ble Member cannot trust the Government to the matter of fixing these tolls. It is not their general policy to impose tolls upon villagers. I am sure the Hon'ble Members will

LIBRARY ARCHIVES Kerala Legislative Assembly

see that we are giving our best attention to that matter so that all legitimate complaints may be avoided. The Hon'ble Mover also knows it. Only seven rupees was collected in one month from the toll which was referred to by the Hon'ble the Mover. That toll was merely put there for a check on evasion and by that no inconvenience is caused. It is put there merely for the purpose of preventing the people of British India from making a detour into the Koonamoochi road. Because they have to go to an Ayurvedic Physician of great repute beyond that toll, it was pointed out in effect that the toll might be put at the junction of the trunk road. Otherwise it is not an important toll at all. My point is it will be very dangerous to lay down an abstract ruling that no tolls should be located on Panchayat roads quite irrespective of their importance or location. I think in that Hon'ble Members call with perfect safety trust the Government to do the right thing in these matters.

Mr. P. Krishna Menon:— Sir, I can fully trust the Government to do that, because even before, I had that opinion and it has been confirmed by the shifting of a toll gate. As to the principle that these toll gates are established for the protection of toll gates on trunk roads, I perfectly agree. The present location of the particular toll gate is on the trunk road and there is absolutely no reason for complaint. But the question of levying tolls on villagers in passing from one village to another, that was the only point that I objected to. In the light of the assurance given by the Hon'ble Leader of the House I beg leave of the House to withdraw the resolution.

Resolution was, with leave, withdrawn.

No. 4-Alwaye water to Azhikkal and Murukkumpadam.

Mr. K. Ayyappan;—"*This Council recommends to the Government to make urgent arrangements to give Alwaye water to Azhikkal and Murukkumpadam as there is no other source of fresh water supply in those places*".

സർ, അഴീക്കൽ ആലുവാ വെള്ളം കൊടുക്കുന്ന കാര്യം ഗവൺമെന്റിന്റെ ശ്രദ്ധയിൽകൊണ്ടുവന്നിട്ടുവളരെക്കാലമായി. വയ്യടിപ്പിൽ മുഴുവനും വെള്ളം കൊടുക്കേണ്ട ആവശ്യമുണ്ട്. വേനൽക്കാലമായാൽ അവിടെ എങ്ങുംതന്നെ വെള്ളമുണ്ടായിരിക്കയില്ല. വടക്കെ അഴിമുതൽ തെക്കെ അഴിവരെ കായലിനും കടലിനും നടുവിൽ കിടക്കുന്ന സ്ഥലത്താണ് ഈ വെള്ളക്ഷാമമുള്ളതു്. ആ കായ്ക്കളെപ്പറ്റിയും ഞാൻ ഈ വിഷയത്തിൽ കൊണ്ടുവന്നില്ല. ഏകദേശം അയ്യായിരം ആളുകളോളം താമസിക്കുന്ന അഴീക്കൽ പ്രത്യേകിച്ചും നല്ല വെള്ളം കിട്ടുവാൻ തീരെ അസാദ്ധ്യമായിരിക്കു

LIBRARY ARCHIVES Kerala Legislative Assembly